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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/025,468 | 12/26/2001 | Rainer Kuth | 2000P22926 US | 2967 |

466 7590 09/28/2006

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EXAMINER

LESNIEWSKI, VICTOR D

ART UNIT PAPER NUMBER

2152

DATE MAILED: 09/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/025,468

Applicant(s)

KUTH, RAINER

Examiner

Victor Lesniewski

Art Unit

2152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The amendment filed 7/5/2006 has been placed of record in the file.
2. No claims have been amended.
3. Claims 1-20 are now pending.
4. The applicant's arguments with respect to claims 1-20 have been fully considered but they are not persuasive. A detailed discussion is set forth below.

Claim Rejections - 35 USC § 103

5. Claims 1-20 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Teibel et al. (U.S. Patent Number 6,363,427), hereinafter referred to as Teibel, in view of Burns et al. (U.S. Patent Number 6,275,496), hereinafter referred to as Burns, as presented in the previous rejection dated 4/5/2006.

Response to Arguments

6. In the remarks, the applicant has argued:

- <Argument 1>

The combination of Teibel and Burns does not disclose the features of claim 1 because it does not disclose "having the service provider allocate an ident code" as recited in claim

1.

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- <Argument 2>

The combination of Teibel and Burns does not disclose the features of claim 1 because it does not disclose the determining step as recited in claim 1, namely that the ident code is transmitted by the information provider and that the information item may be deleted.

7. In response to argument 1, the combination of Teibel and Burns does disclose having the service provider allocate an ident code as recited in claim 1. As stated by Teibel, and as discussed by the applicant in the remarks, the message identifications (ident codes) are stored on the server. In one embodiment Teibel states that the message identifications comprise URLs. A URL is an Internet address for the message or file on the server. This meets the limitation of having the service provider allocate an ident code.

8. In response to argument 2, the combination of Teibel and Burns does disclose the determining step as recited in claim 1. Concerning the ident code being sent again by the information provider, both Teibel and Burns set out systems in which content is requested, Burns further stating that deletion policies may be based on the frequency in which content is requested. Users use URLs to request content and Teibel states an embodiment in which the message identifications comprise URLs. Thus, anytime the information provider requests the information, the ident code is sent. Concerning disclosure of erasing the contents of the information server, both Teibel and Burns state the ability to delete content from the server in the previously cited lines, Teibel column 1, lines 23-25 and Burns, column 10, lines 55-67 and column 11, lines 15-19.

9. In support of argument 2, the applicant has stated that "Burns does not disclose a specific relationship between the "time-to-live" and the final erasure of the information." However,

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Burns does states a direct relationship between the “time-to-live” and the erasure saying that “Deletion policies are a function of the content itself (e.g., its TTL tags)” as well as further linking this to the frequency with which content is requested. Again see Burns, column 11, lines 15-19.

10. In addition, the applicant has argued that claims rejected under 35 U.S.C. 103, but not explicitly discussed, are allowable based on the above arguments. Thus, claims disclosing similar limitations to the discussed claims and related dependent claims remain rejected under the same reasoning as presented above.

11. Further the applicant has stated that the present invention seeks to achieve the opposite of what the prior art teaches by allowing the information provider himself to be able to determine how long his information is at the service provider. In light of this statement, the examiner recommends amending the claims to more clearly show that the information provider’s sending of the ident code is independent of any inquiry for content retrieval. An amendment stating limitations that more clearly distinguish the claims in this way should avoid the current art of record. Amendments of this fashion may require further search and consideration to determine patentability.

Conclusion

12. **THIS ACTION IS MADE FINAL.** The applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**


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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor Lesniewski whose telephone number is 571-272-3987. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571-272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Victor Lesniewski
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SUPERVISORY PATENT EXAMINER